(34)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 4319 of 2007

PETITIONER Murlidhar Chandra, s/o Shri Udit Ram Chandra, aged about 45 years, Occupation, Sub-Engineer posted at Janpad Panchayat, Nagri, District-Dhamtari(CG)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through the Secretary Department of Panchayat and Rural Development, DKS Bhawan, Raipur, District-Raipur(CG)
2. Joint Secretary State of Chhattisgarh, Department of Panchayat and Rural Development Raipur, District-Raipur(CG)
3. Collector, Dhamtari, District-Dhamtari(CG)
4. Chief Executive Officer, District Panchayat, Dhamtari, District-Dhamtari(CG)

Appearance:

Shri Sunil Sahu, counsel for the petitioner.

Shri Yashwant Singh, Government Advocate for the State on advance copy.

ORAL ORDER
(30.07.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, who is working as a Sub-Engineer in Janpad Panchayat, Nagri, District-Dhamtari, has challenged his transfer order dated 27:6.2007 (Annexure P-1), whereby, the petitioner has been transferred from the said place to Janpad Panchayat, Basna, District-Mahasamund on administrative grounds.

Learned counsel for the petitioner argued that in fact, there were certain complaints from the leaders of Bhartiya Janata Party, therefore, the petitioner has been transferred and the said transfer appears to be malafide.

A perusal of the order would show that the petitioner has not been transferred on complaints, but it appears to be a simple transfer on administrative grounds. The ground regarding complaints, as is taken by the petitioner, does not appear to be reasonable.

As laid down by the Apex Court in many cases, the transfer is an exigency of service and nobody can claim for posting at a particular place during the course of his tenure. The employer is the best judge regarding posting of a particular employee at a particular place and unless it is shown by taking reasonable grounds that the transfer is affected by malafide or by extraneous consideration or is vitiated by the provisions of any statutory Rules or the Act, the same are not to be interfered by the Court of law in ordinary and general manner.

After going through the contents of the petition as also the impugned order, I do not find any force in the arguments advanced by learned counsel for the petitioner.

The petition has no merits. The same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

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